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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [NG](#)
SUBJECT: NIGER -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Niger of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Niger, and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Niger of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Niger,s country narrative in the 2009 TIP Report:

Niger (TIER 3)

Niger is a source, transit, and destination country for children and women trafficked for forced labor and commercial sexual exploitation. Caste-based slavery practices, rooted in ancestral master-slave relationships, continue primarily in the northern part of the country. An estimated 8,800 to 43,000 Nigeriens live under conditions of traditional hereditary slavery. Children within Niger are trafficked for forced begging by religious instructors, forced labor in gold mines, domestic servitude, sexual exploitation, and possibly for forced labor in agriculture and stone quarries. Nigerien children, primarily girls, are also subjected to commercial sexual exploitation along the border with Nigeria, particularly in the towns of Birni N,Konni and Zinder, and boys are trafficked to Nigeria and Mali for forced begging and manual labor. Women and children from Benin, Burkina Faso, Gabon, Ghana, Mali, Nigeria and Togo are trafficked to and through Niger for domestic servitude, sexual exploitation, forced labor in mines and on farms, and as mechanics and welders. Nigerien women and children are trafficked from Niger to North Africa, the Middle East, and Europe for domestic servitude and sexual exploitation.

The Government of Niger does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The Nigerien government demonstrated marginal efforts to combat human trafficking, including traditional slavery, during the last year.

Recommendations for Niger: Pass and enact draft 2006 legislation against trafficking; strengthen efforts to prosecute and punish trafficking offenders, particularly those guilty of slavery offenses; increase efforts to rescue victims of traditional slavery practices; and increase efforts to educate the public about the law criminalizing traditional slavery practices.

Prosecution

The Government of Niger demonstrated weak law enforcement efforts to address child trafficking and traditional slavery. Niger prohibits slavery through a 2003 amendment to Article 270 of its Penal Code and prohibits forced and compulsory labor through Article 4 of its Labor Code. Penal Code Articles 292 and 293 prohibit procurement of a child for prostitution. Niger does not, however, prohibit other forms of trafficking. The government,s 2006 draft law against trafficking still awaits adoption by the Council of Ministers. The prescribed penalty of 10 to 30 years, imprisonment for slavery offenses is sufficiently stringent. The penalty prescribed for forced labor, a fine ranging from \$48 to \$598 and from six days to one month,s imprisonment, is not sufficiently stringent.

In the last year, law enforcement authorities arrested 11 individuals suspected of trafficking 81 children. Six suspects were released without being charged, while five were charged with the abduction of minors and remain in

preventative detention pending investigation. The government cooperated with Malian and Togolese officials to investigate and arrest three suspected traffickers from Mali and one trafficker from Togo. Border officials cooperated with their Beninese counterparts to monitor the border of Niger and Benin for human trafficking activity. In December 2008, the Niamey Court of Appeals held hearings on the 2006 enslavement case Timidria and Assibit Wanagoda vs. Tafane Abouzeidi, found no grounds for prosecution, and dismissed the case. An additional 2006 enslavement case, Midi Ajinalher vs. Hamad Alamine and three brothers is still pending before the same court. In June 2008, senior Ministry of Labor officials delivered presentations on labor laws and core labor standards at an ILO-funded forced labor training event.

In October 2008, the ECOWAS Court of Justice ruled that the Government of Niger,s administrative and legal services failed to protect a Nigerien woman sold into slavery in the case Timidria and Hadidjatou Mani Koraou vs. the Government of Niger. When the victim, who was sold into slavery at the age of 12 for \$500, originally brought her case to a Nigerien court, the judge found that no slavery existed. He then sentenced the victim to six months, imprisonment for bigamy for entering into a marriage by choice after she fled her forced marriage to her master. The ECOWAS court ordered the government to pay \$20,000 in damages to the victim. In March 2009, the government paid the victim the ordered restitution and secured the conviction of the victim,s former master, Naroua, who was given a sentence of one year in prison and a fine of \$1,000. Naroua, however, has yet to be located and detained. The status of seven women who reportedly remained enslaved by Naroua after the victim,s escape is unknown. The whereabouts of the victim,s two children, who were enslaved by Naroua as well, is also unknown. NGOs reported to officials that in 2008, four Nigerien girls were sold to Nigerian businessmen in Zaria, on the border of Nigeria and Niger, but the government has failed to respond to these reports. The government reported that it was dismantling trafficking networks in the Konni region.

Protection

The Government of Niger demonstrated slightly decreased efforts to provide care to child trafficking victims and some increased efforts to assist victims of traditional slavery practices. Due to lack of resources, the government did not operate its own victim shelter, but refers child trafficking victims to NGOs for assistance. While the government lacked a formal system for identification and referral of trafficking victims, authorities referred trafficking victims to NGOs for care on an ad hoc basis. In Agadez, local authorities assisted UNICEF in rescuing 37 child trafficking victims and referring them to NGOs for care. At a government-operated but donor-funded victim transit center in Makalondi, police assisted with the rescue, rehabilitation, and return of 44 child victims. In February 2009, Nigerien and Togolese law enforcement officials conducted a joint investigation resulting in the rescue of a Nigerien girl who had been abducted and trafficked to Togo in 1998, when she was 14 years old.

A 2007 government plan to combat child exploitation by religious instructors in Islamic schools has not been implemented due to lack of funding. During the year, government officials assisted a local NGO in rescuing 40 individuals subjected to traditional slavery practices by assisting with the purchase of land and animals for the former slaves. The officials also housed the NGO delegation and educated the community about slavery. During the year, the Ministry of Education paid the salaries for five teachers working at NGO-funded schools for children of former slaves. The government encouraged victims to report their traffickers to law enforcement officials and interviewed them for evidence for investigations and prosecutions. The Ministry of the Interior continued to operate a program to welcome and provide temporary shelter -- for about one week -- to repatriated Nigeriens, some of whom may be trafficking victims. While ministry officials interviewed these citizens to assist with their reintegration, they did not attempt to

identify trafficking victims among them. The government did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. Victims were not inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked.

Prevention

The Government of Niger made solid prevention efforts through campaigns to educate the public about child trafficking during the reporting period. State television broadcast a donor-funded anti-trafficking skit repeatedly in French and local languages. Niger's First Lady and the Minister of Justice made public appearances denouncing traditional slavery and child trafficking. In July 2008, the Minister of Women's Promotion and Children's Protection chaired a regional training workshop for journalists from nine countries on child trafficking and labor. In December 2008, Niger's Youth Parliament held its second ordinary session which focused on child rights, including child trafficking. In July 2008, the National Commission on Human Rights and Fundamental Liberties released a six-month study on forced labor, child labor, and slavery. In cooperation with UNICEF, the Nigerien government helped establish regional committees to prevent child trafficking. The government identified committee members and leaders and provided them with education and training. A 2006 draft anti-trafficking agreement between Niger and Nigeria remained unsigned. Niger's 2006 draft national action plan to combat trafficking and draft plan to combat forced labor linked to slavery has yet to be adopted. The Nigerien government did not take measures to reduce demand for commercial sex acts during the year. Nigerien troops deployed abroad as part of international peacekeeping missions did not receive human trafficking awareness training prior to deployment. In February 2009, however, the government revised the bylaws of its armed forces to prohibit such troops from engaging in or facilitating trafficking.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards,

but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this

information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why is Niger on the Tier 3?

A: The Government of Niger does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The Nigerien government demonstrated marginal efforts to combat human trafficking, including traditional slavery, during the last year.

Q2: What progress has Niger made in the last year?

In March 2009, the government honored an ECOWAS ruling on a traditional slavery case by paying restitution of \$20,000 to a former slave. The government also secured the conviction of the victim's former master, Naroua, who was given a sentence of one year in prison and a fine of \$1,000. In Agadez, local authorities assisted UNICEF in rescuing 37 child trafficking victims and referring them to NGOs for care. At a government-operated but donor-funded victim transit center in Makalondi, police assisted with the rescue, rehabilitation, and return of 44 child victims. In February 2009, Nigerien and Togolese law enforcement officials conducted a joint investigation resulting in the rescue of a Nigerien girl who had been abducted and trafficked to Togo in 1998, when she was 14 years-old.

Q3: What can Niger do to further the fight against trafficking in persons?

A: Pass and enact draft 2006 legislation against trafficking; strengthen efforts to prosecute and punish trafficking offenders, particularly those guilty of slavery offenses; increase efforts to rescue victims of traditional slavery practices; and increase efforts to educate the public about the law criminalizing traditional slavery practices.

¶12. The Department appreciates posts, assistance with the preceding action requests.
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